

**REMARKS**

Claims 1-30 are pending in the application. Claims 1, 13, and 25 are independent. Claims 1, 13, and 25 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 Under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,751,967 to Raab et al. ("Raab"). A claim is anticipated only if each and every element of the claim is found either expressly or inherently, in a reference. (MPEP §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id.* citing *Richardson v. Suzuki Motor Co.*, 808 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Claim 1 recites in pertinent part "dynamic network information to model a physical configuration of a network and to detect a change in the physical configuration of the network; and a policy manager to *manage quality of service network traffic receives* and to deploy at least one policy to a set of devices in the network in response to the detected change in physical configuration of the network" (emphasis added). Support for this subject matter can be found in Applicant's Specification at page 8, line 23 to page 9 line 6.

Applicant respectfully submits that Raab does not teach the identical invention recited in claims 1. For example, Raab does not teach "a policy manager to manage quality of service network traffic receives" as recited in claim 1. Because Raab fails to teach the identical invention as recited in claim 1, Applicant respectfully submits that Raab fails to anticipate claim 1 and claim 1 is therefore patentable over Raab.

Claims 1-4, 8-9, and 11 properly depend from claim 1, which Applicant respectfully submits is patentable over Raab. Accordingly, Applicant respectfully submits that claims 1-4, 8-9, and 11 are patentable over Raab for at least the same reasons that claim 1 is patentable over Raab. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))).

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 1-4, 8-9, and 11.

Claims 13 recites in pertinent part "modeling a physical configuration of a network and detecting a change in the physical configuration of the network; and mapping a policy to a set of devices in the network based on the detected change in the physical configuration of the network, *the policy to manage quality of service network traffic receives*" (emphasis added). Support for this subject matter can be found in Applicant's Specification at page 8, line 23 to page 9 line 6.

Applicant respectfully submits that Raab does not teach the identical invention recited in claims 13. For example, Raab does not teach that "the policy to manage quality of service network traffic receives" as recited in claim 13. Because Raab fails to teach the identical invention as recited in claim 13, Applicant respectfully submits that Raab fails to anticipate claim 13 and claim 13 is therefore patentable over Raab.

Claims 14-17, 20-21, and 23 properly depend from claim 13, which Applicant respectfully submits is patentable over Raab. Accordingly, Applicant respectfully submits that claims 14-17, 20-21, and 23 are patentable over Raab for at least the same reasons that claim 13 is patentable over Raab. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 13-17, 20-21, and 23.

Claims 25 recites in pertinent part "a machine-readable medium having stored thereon instructions for causing a processor to: model a topology of a network; detect a change in the topology of the network; apply dynamic network information including the change in the topology of the network to a policy manager; and map a policy to a set of devices in the network based on the detected change in the topology of the network, *the policy to manage quality of service network traffic receives*" (emphasis added). Support for this subject matter can be found in Applicant's Specification at page 8, line 23 to page 9 line 6.

Applicant respectfully submits that Raab does not teach the identical invention recited in claims 25. For example, Raab does not teach that "the policy to manage quality of service

network traffic receives" as recited in claim 25. Because Raab fails to teach the identical invention as recited in claim 25, Applicant respectfully submits that Raab fails to anticipate claim 25 and claim 25 is therefore patentable over Raab.

Claims 26-28 properly depend from claim 25, which Applicant respectfully submits is patentable over Raab. Accordingly, Applicant respectfully submits that claims 26-28 are patentable over Raab for at least the same reasons that claim 25 is patentable over Raab. MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 25-28.

Rejection of Claims 5-6, 10, 18-19, 22, and 29-30 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 5-6, 10, 18-19, 22, and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Raab in view of U.S. Patent No. 6,351,771 to Craddock et al. ("Craddock"). Applicant respectfully traverses the rejection.

Claims 5-6 and 10 properly depend from claim 1, which Applicant respectfully submits is patentable over Raab, claims 18-19 and 22 properly depend from claim 13, which Applicant respectfully submits is patentable over Raab, and claims 29-30 properly depend from claim 25, which Applicant respectfully submits is patentable over Raab. Accordingly, Applicant respectfully submits that claims 5-6, 10, 18-19, 22, and 29-30 are patentable over Raab for at least the same reasons that claims 1, 13, and 25 are patentable over Raab. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 5-6, 10, 18-19, 22, and 29-30.

Rejection of Claims 7, 12, and 24 Under 35 U.S.C. §103(a)

In paragraph 6 of the Office Action, the Examiner rejected claims 7, 12, and 24 under 35 U.S.C. §103(a) as being unpatentable over Raab in view of U.S. Patent No. 6,266,781 to Chung et al. ("Chung"). Applicant respectfully traverses the rejection.

Claims 7 and 12 properly depend from claim 1, which Applicant respectfully submits is patentable over Raab, and claim 24 properly depends from claim 13, which Applicant respectfully submits is patentable over Raab. Accordingly, Applicant respectfully submits that claims 7, 12, and 24 are patentable over Raab for at least the same reasons that claims 1 and 13 are patentable over Raab. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 7, 12, and 24.

### CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 1/20/2006

Jan Little-Washington  
Jan Little-Washington  
Reg. No. 41,181  
(206) 292-8600

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